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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ALEXANDRA RASEY-SMITH; GORDON GENE MACCANI; and JANET MACCANI,

Plaintiffs,

v.

CITY OF LOS ANGELES; CALEB GARCIA ALAMILLA; and DOES 2-10, inclusive,

Defendants.

Case No. 2:24-cv-03265-MWC-SSC

DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT

Judge: Hon. Michelle Williams Court
Date: Jan. 16, 2026
Time: 1:30 p.m.
Crtrm.: 6A

Trial Date: April 6, 2026

I. INTRODUCTION

Plaintiffs' opposition–which grossly exceeds the 7,000 word limit established by Local Rule 11-6.1–offers nothing more than the very type of 20/20 hindsight analysis that controlling use-of-force precedent squarely forbids. Rather than addressing the undisputed facts as they confronted the Officers in real time, Plaintiffs rewrite the encounter from the safety of retrospect and with the benefit of hindsight, examining each moment of the brief and chaotic encounter between the Decedent and Officers as if Officer Garcia were able to dissect and evaluate each moment in sequential order and respond accordingly. But as a wealth of case law has recognized, police officers often confront chaotic situations in which they must

make split-second decisions without the luxury of watching events unfold in a play-by-play sequence. *See Ryburn v. Huff,* 565 U.S. 469, 477 (2012), citing *Graham v. Connor,* 490 U.S. 386, 396-397 (1989). Viewed in this light, Officer Garcia's use of force against the Decedent was abundantly and objectively reasonable.

Plaintiffs' Opposition attempts to paint the facts as disputed and to recharacterize the Decedent's conduct, claiming he walked slowly towards Officers with a plastic fork in his hand, but the undisputed body-worn camera footage capturing the scene paints an entirely different picture. Videos as undisputed facts have been commonplace in this day and age of body cameras. *See Spencer v. Pew,* 117 F.4th 1130, 1133 (9th Cir. 2024), citing *Scott v. Harris,* 550 U.S. 372, 378 (2007) ("to the extent that the uncontested video evidence from the officers' body cameras establishes the timing and occurrence of events, we 'view[] the facts in the light depicted by the videotape'"); *Smith v. Agdeppa,* 81 F.4th 994, 1004 (9th Cir. 2023), *cert. denied,* 2024 WL 4427164 (U.S. Oct. 7, 2024) ("We instead consider the disputed facts in the light most favorable to [the plaintiff], alongside the undisputed facts and the video and audio recordings, which provide more than sufficient basis for reaching the legal conclusion that qualified immunity is warranted"). Here, the video evidence clearly establishes the shooting was objectively reasonable.

II. GARCIA'S USE OF FORCE WAS OBJECTIVELY REASONABLE

Officer Garcia's use of force was objectively reasonable given the brief and chaotic encounter between the Decedent and Officers. As reflected in the body-worn camera footage, approximately six seconds elapsed between when the Decedent spun around and advanced on Officers [BWC at 14:28:42] and the moment Officer Garcia discharged his firearm [BWC 14:28:48]. In that brief time window, Officers attempted to de-escalate the situation by firing two less-lethal rounds [BWC 14:28:44], which struck the Decedent's torso. Decedent did not backdown, retreat, or surrender; instead, he further escalated the encounter by clenching his fist around

a pointed object visibly projecting from the bottom of his right fist, and continued advancing on the Officers [BWC 14:28:45]. Officer Rodriguez again attempted to de-escalate by firing a third less-lethal round [BWC 14:25:46], which caused the Decedent to shriek and charge at her, making contact with her beanbag shotgun, pushing her into the wall, and engaging in a physical struggle with Sergeant Punzalan [BWC 14:28:47]. One second later, fearing for the safety of his fellow officers, Officer Garcia discharged his firearm [BWC 14:28:48].

Officer Garcia reasonably used deadly force to protect others from what he believed was an immediate threat of serious bodily harm. As Plaintiff concedes, the most important *Graham* factor is the immediacy of the threat. Yet Plaintiff attempts to recast that inquiry as an attack on Officer Garcia's credibility–arguing that his stated fear for other officers' safety was manufactured and unsupported by objective facts. That reframing is legally incorrect and factually contradicted by the record. The Fourth Amendment does not ask whether Officer Garcia was *subjectively* afraid or whether his testimony is independently "credible;" it asks whether a reasonable officer in his position would have perceived an imminent threat. Here, the answer is unequivocally yes. Officers' body-worn camera footage—undisputed and contemporaneous—shows a pointed object projecting from the Decedent's hand as he advanced toward officers, an object Officer Garcia reasonably perceived to be a knife. That objective visual evidence corroborates Officer Garcia's perception and independently establishes the immediacy of the threat. In short, Officer Garcia's credibility is not an issue this Court needs to evaluate. Objective reasonableness is. And the undisputed body-worn camera footage confirms that Officer Garcia reasonably perceived an immediate threat of serious harm when he used deadly force.

Plaintiff's contention that the object later proved not to be a knife is legally irrelevant. The Fourth Amendment inquiry turns on what a reasonable officer perceived *at the moment* force was used—not on facts learned later. Nor does the analysis turn on the fact that other officers chose not to use deadly force, or on a post-incident police

review board determination that is devoid of evidentiary foundation or relevance.

Plaintiff further argues that the use of force was objectively unreasonable because less-lethal options were available, no verbal warnings were given, and the Decedent was mentally ill. These are the exact arguments analyzed and rejected in *Napouk v. L.V. Metro. Police Dep't*, 123 F.4th 906, 920 (9th Cir. 2024). The Ninth Circuit explained that these additional factors do not overcome the *Graham* analysis where the core *Graham* factors favor the officers, as they do here. *See id.* Although such considerations may be relevant to the totality of the circumstances, they cannot establish a constitutional violation when the severity of the crime, the immediacy of the threat, and the decedent's active resistance all weigh in the officers' favor. This Court should reach the same conclusion here.

Plaintiff relies on speculation about what Officer Garcia might have done under idealized circumstances, but the Fourth Amendment does not require officers to exhaust every conceivable alternative before using force. "[A]s we have repeatedly stated, officers 'need not avail themselves of the least intrusive means of responding to an exigent situation; they need only act within that range of conduct we identify as reasonable.'" *Id.* at 921 (citing *Scott v. Henrich*, 39 F.3d 912, 915 (9th Cir. 1994). Here, as in *Napouk*, Officers made repeated efforts to de-escalate the encounter with Decedent, issuing verbal commands and using multiple less-lethal rounds, as the Decedent advanced upon them. Only when the Decedent applied physical force on Officer Rodriguez and Sergeant Punzalan–while grasping what Officer Garcia believed was a knife–did Officer Garcia discharge his weapon. The fact that Officer Garcia did not use additional or alternative less-lethal means to subdue the Decedent does not render his conduct unreasonable.

Likewise, the absence of a verbal warning does not render the use of force unconstitutional. Officers are required to provide a warning only when feasible, and the record establishes it was not feasible here. Only one second elapsed between the moment the Decedent made physical contact with Officer Rodriguez and Sergeant

Punzalan and the discharge of the lethal shot. Under these circumstances, the Constitution does not require an officer to pause and issue a warning before responding to an immediate threat.

Finally, Plaintiff's argument regarding the Decedent's alleged mental illness is unavailing. There are not "two tracks of excessive force analysis, one for mentally ill and one for serious criminals." *Bryan v. MacPherson*, 630 F.3d 805, 829 (9th Cir. 2010). While the Ninth Circuit has recognized that an emotionally disturbed individual may be "acting out," rather than committing a serious crime, which can diminish the government's interest in using deadly force, that principle applies only where the individual **does not pose an immediate threat to officers or others**. *See Deorle v. Rutherford*, 272 F.3d 1272, 1283 (9th Cir. 2001); *Bryan*, 630 F.3d at 829. As the Ninth Circuit held in *Napouk,* "where the suspect is brandishing what is reasonably understood to be a lethal weapon and advancing towards the officers, that he was emotionally disturbed does not negate the serious threat he exhibited. If anything, his mental state and erratic behavior made [the Decedent] more of a threat to the officers because he clearly was not behaving rationally or in a predictable manner *when he repeatedly approached them with a bladed weapon*." *Napouk*, 123 F.4th at 921 (emphasis in original). Accordingly, the Decedent's alleged mental illness does not render Officer Garcia's use of force unreasonable.

III. PLAINTIFF CONCEDES DENIAL-OF-MEDICAL-CARE CLAIM

Plaintiff does not address Defendants' dispositive argument that the denial-of-medical-care claim fails as a matter of law. By offering no response, Plaintiff has conceded the issue, and judgment should be entered for Defendants on this claim.

IV. PLAINTIFFS' SUBSTANTIVE DUE PROCESS CLAIM FAILS

Plaintiff Rasey-Smith, the Decedent's spouse, devotes just two sentences in opposition to Defendants' argument that she lacks standing to pursue this claim. The first sentence is blatantly misleading. Plaintiff shockingly mischaracterizes binding authority in the *Wilkinson* case by substituting the term "family members" where the

case expressly uses the word "**parents**." *Wilkinson v. Torres*, 610 F.3d 546, 554 (9th Cir. 2010) ("Official conduct that 'shocks the conscience' in depriving **parents** of that interest is cognizable as a violation of due process.") Plaintiff Rasey-Smith then cites a single, non-binding decision from the Eastern District while entirely ignoring Defendants' central argument: that no Ninth Circuit case has ever recognized a constitutional right as a spouse to recover for loss of familial association. In the absence of any binding authority recognizing such a right—and in light of the Ninth Circuit's express caution against expanding substantive due process protections in this area—Plaintiff Rasey-Smith lacks standing. *See Peck v. Montoya,* 51 F.4th 877, 893 (9th Cir. 2022).

Moreover, this claim fails as to all Plaintiffs because there is no evidence or argument that Officer Garcia acted with anything other than legitimate law-enforcement objectives to defend others. Plaintiffs' opposition conspicuously ignores Defendants' reliance on *Napouk*, a controlling Ninth Circuit decision that squarely forecloses Plaintiffs' claim. *Napouk*, 123 F.4th at 906. When confronted with controlling Ninth Circuit authority affirming summary judgment under a closely analogous factual record, Plaintiffs simply ignore it. That silence is not accidental. Plaintiffs did not attempt to distinguish *Napouk* because they cannot. Their inability to engage with binding precedent confirms that no genuine issue of material fact exists as to this claim, and therefore judgment must be entered for Defendants on this claim.

V. GARCIA IS ENTITLED TO QUALIFIED IMMUNITY ON ALL FEDERAL CLAIMS

As a threshold matter, Plaintiffs' opposition confirms that they do not contest Officer Garcia's assertion of qualified immunity as to the federal claims for denial of medical care and substantive due process. Although Officer Garcia asserted qualified immunity as to all federal claims, Plaintiffs address qualified immunity only in connection with the excessive-force claim.

In any event, even assuming Plaintiff could establish a constitutional violation or raise a triable issue of fact for summary-judgment purposes regarding the excessive-force claim, Officer Garcia is nevertheless entitled to summary judgment because he is protected by qualified immunity. Qualified immunity shields officers from liability where their conduct does not violate clearly established law, and applies where a reasonable officer could have believed the conduct was justified, notwithstanding that reasonable officers could disagree. *Pearson v. Callahan*, 555 U.S. 223 (2009); *Hunter v. Bryant*, 502 U.S. 224, 228 (1991). A court discerns whether "the [officer] acted reasonably under settled law in the circumstances, not whether another reasonable, or more reasonable interpretation of the events can be constructed...after the fact." *Hunter*, 502 U.S. at 228. Qualified immunity protects "all but the plainly incompetent or those who knowingly violate the law." *Id*. at 227. The immunity applies even if officers acted unconstitutionally, **as long as a reasonable officer could have believed the conduct lawful**. *See Brosseau v. Haugen*, 543 U.S. 194, 205 (2004); *Alexander v. County of Los Angeles*, 64 F.3d 1315, 1322 (9th Cir. 19951).

To defeat qualified immunity, the law must be "'clearly established in light of the **specific context** of the case' at the time of the events in question." *Mattos v. Agarano,* 661 F.3d 433, 440 (9th Cir. 2011). It is the plaintiff's burden to show the law was clearly established so "every reasonable official would [have understood] that what he is doing violates that right." *Reichle v. Howards*, 556 U.S 658 (2012). "[E]xisting precedent must have placed the statutory or constitutional question beyond debate." *Id*. at 2093; *Mattos*, 661 F.3d at 442. Courts should not define clearly established law at a high level of generality. *Id*. Where a case presents a "unique set of facts and circumstances," this alone should be an indication that an officer's conduct did not violate a "clearly established" right. *White v. Pauly*, 137 S.Ct. 548, 552 (2017).

Plaintiff cannot establish that the law was clearly established prohibiting Officer Garcia's conduct here. Use of force is an area of law 'in which the result depends very much on the facts of each case,' and thus police officers are entitled to qualified

immunity unless existing precedent **'squarely governs'** the specific facts at issue. *Mullenix v. Luna*, 577 U.S. 7, 13 (2015) (citing *Brosseau*, 543 U.S. at 201). It does not suffice for a court simply to state that an officer may not use unreasonable and excessive force, deny qualified immunity, and then remit the case for a trial. *Plumhoff v. Rickard,* 572 U.S. 765, 779 (2014).

Plaintiff's cases on qualified immunity are distinguishable. Plaintiff's reliance on *Nehad v. Browder*, 929 F.3d 1125 (9th Cir. 2019), is significantly misplaced. In *Nehad*, eyewitness accounts materially conflicted, the officer did not activate his body-worn camera, and the officer himself initially told investigators that he had not seen any weapon—only later asserting, after reviewing surveillance footage days later, that he believed the decedent was armed. *Id.* at 1130–31. Additionally, the officer stated that prior to shooting, the Decedent never said anything, changed his pace, or made any sudden movements. *Id.* at 1131. *Nehad* is clearly distinguishable from the case at bar, where the undisputed video evidence supplies the very objective context that was missing in *Nehad* and shows the Decedent actively advancing toward Officers while holding a pointed object in a manner that reasonably suggested it was a knife. Unlike the passive, non-threatening conduct assumed in *Nehad*, the Decedent's actions here presented an immediate threat, rendering Officer Garcia's conduct objectively reasonable.

Plaintiff's reliance on *Vos v. Cty. of Newport Beach*, 892 F.3d 1024 (9th Cir. 2018) is surprising. In *Vos*, the Ninth Circuit **affirmed** summary judgment based on qualified immunity—even on a far more ambiguous factual record involving conflicting inferences from video evidence and a prolonged, chaotic encounter. *See id.* at 1036. *Vos* does not support Plaintiffs' position; it undermines it.

Plaintiff's final citation to *Bui v. San Francisco*, 61 F. Supp. 3d 877 (N.D. Cal. July 25, 2014) is misplaced and unavailing. First, it is an out of district case and not a binding Ninth Circuit case, and therefore cannot clearly establish the law for qualified-immunity purposes. Second, and more importantly, *Bui* denied qualified

immunity because the plaintiff's version of events described conduct that was dramatically different from the officers' account, creating a genuine factual dispute as to whether the decedent posed an immediate threat. *See id.* at 898. Unlike *Bui*, this case does **not** involve materially divergent factual narratives requiring the Court to choose between competing versions of what occurred. The critical events here are captured on body-worn camera footage, which shows the decedent advancing toward officers while holding a pointed object in a manner that reasonably appeared to be a knife.

Plaintiffs have failed to carry the burden required to overcome qualified immunity. Plaintiffs do not identify—and cannot identify—clearly established law placing Officer Garcia on notice that his conduct, under the circumstances, was unconstitutional. Because no controlling authority would have made it clear to a reasonable officer that the use of force was unlawful, Officer Garcia is entitled to qualified immunity and summary judgment should be granted.

VI. PLAINTIFF'S BATTERY CLAIM FAILS

Penal Code section 835a largely tracks the federal Fourth Amendment objective-reasonableness standard, while adding statutory considerations such as necessity, proportionality, and the use of de-escalation techniques when feasible. Those additional considerations do not alter the outcome here. Under either framework, the analysis in this case remains the same and confirms that Officer Garcia's conduct was justified as a matter of law.

Plaintiff further attempts to rewrite the governing legal standard, arguing the issue as though liability turns on whether the Decedent *in fact* lacked the ability, opportunity, or apparent intent to cause serious harm. That is not the law. The question is whether "a reasonable officer in the same situation would believe that a person has" such ability, opportunity, and apparent intent. Penal Code § 835a(e)(2). Plaintiffs' framing improperly substitutes hindsight for the objective reasonableness inquiry the law requires. The law does not require an officer to be correct; it requires

him to act reasonably under the circumstances, and Officer Garcia did so here.

VII. PLAINTIFF'S BANE ACT CLAIM FAILS

Defendants presented a comprehensive, evidence-based argument demonstrating that Plaintiff's Bane Act claim fails as a matter of law. In response, Plaintiff devotes a single paragraph to the issue which does nothing more than recite the general legal standard without addressing Defendants' dispositive arguments. As established above, the force used by Officer Garcia was reasonable. Hence, Plaintiff's § 52.1 claim necessarily fails as a matter of law, as there is no underlying constitutional violation. Further, the Bane Act requires additional proof of intentional interference with a constitutional right, or the specific intent to deprive an individual of a constitutionally protected right. Where, as here, the undisputed evidence shows that Officer Garcia responded to an immediate threat and used force to defend himself and others, the requisite specific intent cannot be established as a matter of law. Defensive, split-second decision-making in response to a threat is legally incompatible with the kind of deliberate, wrongful intent the claim requires. Accordingly, judgment must be entered for Defendants.

VIII. RASEY-SMITH OFFERS NO OPPOSITION TO DEFENDANTS' ARGUMENT THAT SHE LACKS INDIVIDUAL STANDING TO BRING STATE LAW CLAIMS

Plaintiff Rasey-Smith alleges battery, negligence, and the Bane Act causes of action in her individual capacity (FAC ¶¶ 59, 64, and 73), but offers no argument in opposition to Defendants' assertion that she lacks standing to do so. That failure constitutes a concession, and judgment must therefore be entered for Defendants against Plaintiff Rasey-Smith to the extent her claims exceed any successor-in-interest recovery.

Dated: January 2, 2026 BURKE, WILLIAMS & SORENSEN, LLP

By: */s/ Susan E. Coleman*
Susan E. Coleman
Attorneys for Defendant
CALEB GARCIA ALAMILLA

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Defendant Officer Caleb Garcia Aramilla, certifies that this brief contains 3,241 words, which:

☒ complies with the word limit of L.R. 11-6.1.

☐ complies with the word limit set by court order dated _____.

Dated: January 2, 2026 BURKE, WILLIAMS & SORENSEN, LLP

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